

USSN: 10/643,681

Amdt. Dated October 29, 2004

Reply to Office Action of September 29, 2004

REMARKS

Claims 24-69 are currently pending. In a September 29, 2004, Office Action, the Patent Office has required restriction of the claims to one of the following group of claims, Group I, claims 24-30 and 38-59, drawn to a method of reducing/moderating postprandial plasma glucose; Group II, claims 31-37, drawn to a method of treating ingested toxin; and Group III, claims 60-69, drawn to a method of reducing gastric motility or delaying gastric emptying.

Applicants elect Group I, claims 24-30 and 38-59, with traverse. Applicants respectfully request reconsideration of the Patent Office's position and examination of the claims of Group III as well. Applicants submit that the claims of Group I and Group II are so related such that examination of both would not unduly burden the Examiner. For example, the action of reducing gastric motility or delaying gastric emptying would be a factor in modulating postprandial blood glucose. In other words, the former action is postulated to cause the latter effect. As such Applicants respectfully request reconsideration of the restriction.

Applicants further elect ^{25, 28, 29}Pro h-amylin as the species election. However, as the Patent Office has noted, upon allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141.

CONCLUSION


Applicants respectfully submit that the claims are in condition for allowance and request that a timely Notice of Allowance be issued in this case. The Examiner is encouraged to call the undersigned attorney to discuss any issues related to the prosecution of the instant application.

Applicants believe that no fee is necessitated by the present paper. However, in the event any fees are due or any amount is to be credited in the prosecution of the instant application,

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Applicants authorize the Commissioner of Patents to debit or credit Deposit Account No. 010535.

Respectfully submitted,


Mi K. Kim
Reg. No. 44,830

AMYLIN PHARMACEUTICALS, INC.
9360 Towne Centre Drive
San Diego, CA 92121
Phone: (858) 552-2200
Facsimile: (858) 552-1936